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*Plaintiff in Pro Se*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. CUVIELLO and DENIZ  
BOLBOL, individually,  
  
PLAINTIFFS.

v.

ROWELL RANCH RODEO, INC.;  
HAYWARD AREA RECREATION AND  
PARK DISTRICT; HAYWARD AREA  
RECREATION AND PARK DISTRICT  
PUBLIC SAFETY MANAGER/RANGER  
KEVIN HART; ALAMEDA COUNTY  
SHERIFF'S OFFICE; ALAMEDA  
COUNTY DEPUTY SHERIFF JOSHUA  
MAYFIELD; and DOES 1 and 2, in their  
individual and official capacities, jointly and  
severally,

DEFENDANTS.

Case No. 3:23-cv-01652-VC

**PLAINTIFFS' STATEMENT OF  
UNDISPUTED, MATERIAL FACTS  
IN SUPPORT OF PLAINTIFFS'  
JOINT MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Date: August 15, 2024  
Time: 10:00 a.m.  
Judge: Hon. Vince Chhabria  
Courtroom: 5 – 17th Floor

## **Plaintiffs' Peaceful Demonstration Against Animal Cruelty and Mistreatment**

1. Plaintiffs Joseph Cuiello and Deniz Bolbol are “Animal rights activists” with a decades-long history of advocating for the humane treatment of animals. Declaration Joseph Cuiello (“Cuiello Decl.”) ¶¶ 3, 6, Exh. 18 (news article characterizing Animal Rights as a political issue and animal rights advocacy as a political position); Declaration Deniz Bolbol (“Bolbol Decl.”) ¶ 3. They organize and participate in peaceful demonstrations at events like those hosted by Defendant Rowell Ranch Rodeo, Inc. (“Rowell Ranch”), where animals are used for entertainment purposes and together, Plaintiffs founded a grassroots group, “Humanity through Education,” which is a 501(c)3 nonprofit organization. Cuiello Decl. ¶¶ 3, 7-8; Bolbol Decl. ¶¶ 3, 7-8. At demonstrations, Plaintiffs’ speech and association focuses on the abuse and mistreatment of animals by circuses, rodeos, and other “entertainment” entities, which is of great public concern locally, nationally, and internationally. Cuiello Decl. ¶ 4; Bolbol Decl. ¶ 4.

2. During their decades of animal rights demonstrations both Plaintiffs have had their free speech rights violated by being falsely arrested and by threats of arrest from law enforcement officers on numerous occasions. Cuiello Decl. ¶ 5; Bolbol Decl. ¶ 5. As a result, Plaintiffs have had to file a number of lawsuits over the years to have their rights upheld and protected. Cuiello Decl. ¶ 5; Bolbol Decl. ¶ 5.

3. Plaintiffs Cuiello and Bolbol have been demonstrating at rodeo events at the Rowell Ranch Rodeo Park (“Rodeo Park”) intermittently from 1988 to 2022 and 2018 to 2022 respectively; they have always stood near the entrance to the rodeo without causing interference and without incident. Cuiello Decl. ¶ 10; Bolbol Decl. ¶ 8. Plaintiffs find the most successful point of persuasion at a rodeo event is at or near the pedestrian entrance as one-on-one communication is the most effective means of communicating their message. Cuiello Decl. ¶¶ 9-10; Bolbol Decl. ¶¶ 9-10.

4. In 2018 and 2019, prior to attending the demonstrations in those years, Plaintiff Cuiello communicated, via email, with HARD General Manager Paul McCreary and Alameda County Sheriffs, on-site, to ensure Plaintiff’s free speech rights would be upheld. Cuiello Decl. ¶ 8, Exh. 19.

1           5.       Plaintiffs’ method of demonstration consists of holding signs and banners,  
 2 approaching patrons and speaking in a respectful manner and by handing out leaflets which  
 3 communicate their message. CuvIELLO Decl. ¶ 9; Bolbol Decl. ¶¶ 9, 10 (I do not yell or chant), 20.  
 4 Plaintiff CuvIELLO asks all participants associated with the organization he founded, Humanity  
 5 Through Education, to use the same approach. CuvIELLO Decl. ¶¶ 9- 10, 40, Exh. 21 (example of  
 6 leaflet); Bolbol Decl. ¶ 9; Declaration Robyn Newkirk ISO Plaintiffs’ Joint Motion for Partial  
 7 Summary Judgment (“Newkirk Decl.”) ¶ 7; Declaration Mike Sage ISO Plaintiffs’ Joint Motion  
 8 for Partial Summary Judgment (“Sage Decl.”) ¶ 7.

9                           **Defendant HARD’s “Free Speech Area” at the Rodeo Park**

10           6.       The Rodeo Park is public property, owned and managed by Defendant Hayward  
 11 Area Recreation Department (“HARD”). Declaration of Jessica Blome (“Blome Decl.”) ¶ 15,  
 12 Exh. 34A at 195-196 (HARD purchased Rowell Ranch Rodeo Grounds and has fiduciary  
 13 responsibility for the property), Exh. 34C at 208-212 (“Rodeo Policy, Fees, and Guidelines”);  
 14 CuvIELLO Decl. ¶ 39, Exh. 20 (July 1, 1995, letter from Defendant HARD President Board of  
 15 Directors Douglas Morrison to Bill Pickett Invitational Rodeo President, Lu Vason stating the  
 16 Rodeo Park is public property).

17           7.       As part of Defendant HARD’s “Rowell Ranch Rodeo Policy, Fees and  
 18 Guidelines” a lessee is required to include a “marked location for public speech” as part of the  
 19 “Conditions of Use.” Blome Decl. ¶ 15, Exh. 34C at 209-210.

20           8.       Defendant Rowell Ranch Rodeo applied for and HARD approved a Permit for  
 21 Rowell Ranch Rodeo to lease the Rodeo Park and host a rodeo event. Blome Decl. ¶ 5, Exhs.  
 22 34B, 34F. As the lessee, Defendant Rowell Ranch set up a “Free Speech Area.” Blome Decl. ¶ 2,  
 23 Exh. 22 at Response to Interrogatory No. 11. Rowell Ranch maintains, “Designation of a Free  
 24 Speech area (or “Public Speech as defined by HARD requirements) is part of the security plan  
 25 required by the Rowell Ranch Rodeo Policy, Fees and Guidelines published by HARD.” *Id.* at  
 26 Response to Interrogatory No. 11; Blome Decl. ¶ 15, Exh. 34C at 208-209.

27           9.       The location of the Free Speech Area was designated by Defendant HARD and  
 28

1 selected by Defendants Rowell Ranch and HARD. Blome Decl. ¶ 2, Exh. 22 at Response to  
 2 Interrogatory No. 14. Defendant HARD designated the Free Speech Area on a map, within the  
 3 Emergency Action Plan for Rowell Ranch Rodeo, 2022. Blome Decl. ¶ 15, Exh. 34D at 224.

4 10. When asked the reason for the required “marked location for public speech” in the  
 5 “Rowell Ranch Rodeo, Policy, Fees, and Guidelines,” HARD responded, “It is unknown the  
 6 reasons HARD required a marked location for public speech.” Blome Decl. ¶ 11, Exh. 30 at  
 7 Response to Interrogatory No. 5. Further, when asked to describe the reason HARD set up a  
 8 “Free Speech Area” during the “2022 Events,” HARD responded, “Unknown.” *Id.* at Response  
 9 to Interrogatory No. 6.

10 11. Free speech activity is a right for individuals and groups at the Rodeo Park, which  
 11 includes distributing leaflets, holding signs and/or passing out informational leaflets. Cuvillo  
 12 Decl. ¶¶ 38-40, Exhs. 17, 20 and 21 (leaflet provided to Rodeo patrons).

13 12. During the May 2022 events at the Rodeo Park, the Free Speech Area,  
 14 approximately ten feet by five feet, was designated behind the parking lot entrance gate, to the  
 15 right of the vehicle entrance of the Rodeo Park and approximately 100 yards from the pedestrian  
 16 entrance to the Rodeo. Blome Decl. ¶ 15, Exh. 34D at 224; *Id.* at ¶ 16, Exh. 35; Cuvillo Decl. ¶  
 17 14, Exh. 6 (timestamp 0:32); Bolbol Decl. ¶ 14.

18 13. On behalf of Defendant Rowell Ranch, Rodeo president Russell Fields stated the  
 19 intent of setting up the Free Speech Area is to keep the roadways clear from people setting up  
 20 “camp” on the roadways which “must be kept free for emergency vehicles to gain access to and  
 21 from the rodeo.” Dkt. 39, Declaration of Russell Fields Pursuant to Court’s Order of May 17,  
 22 2023, regarding Issuance of T.R.O, May 17, 2023, ¶ 6 (“Fields Decl.”). The Free Speech Area is  
 23 mainly for demonstrators who “desire[] to set up a table, tent or umbrella.” Dkt. 43,  
 24 Supplemental Declaration of Russell Fields Pursuant to Court’s Order of May 17, 2023,  
 25 regarding Issuance of T.R.O, May 18, 2023, ¶ 4 (“Fields Suppl. Decl.”). Protestors have handed  
 26 out pamphlets on the roadway, and provided they do not “set up camp,” there was no problem.  
 27 Fields Decl. ¶ 7. Additionally, Mr. Fields stated that “to the best of his knowledge protestors  
 28

1 have been showing up for about the last ten years,” he can’t “say that any of the protestors ever  
 2 used the designated Free Speech Area,” and “there was never any issue or complaint regarding  
 3 any interaction between the protestors and attendees of the rodeo or with the Rowell Ranch  
 4 Rodeo Inc. personnel.” Dkt. 39, ¶¶ 10, 11.

#### 5 **Events at the Rodeo Park on May 20, 2022**

6 14. Plaintiffs, along with their colleagues, participated in demonstrations at the Rodeo  
 7 Park from May 20 - May 22 of 2022. Cuiello Decl. ¶ 12; Bolbol Decl. ¶ 13; Sage Decl. ¶ 6;  
 8 Newkirk Decl. ¶ 6. Upon arrival on May 20, 2022, Plaintiff Cuiello noticed a cordoned off area  
 9 that had a sign that read “Free Speech Area.” Cuiello Decl. ¶ 14. The area was located behind  
 10 the front parking lot gate, approximately 100 yards away from the pedestrian entrance to the  
 11 facility. *Id.*; Bolbol Decl. ¶ 14. Because it was far from the pedestrian entrance, Plaintiffs knew it  
 12 would not be an effective option to communicate their message. Cuiello Decl. ¶ 15; Bolbol  
 13 Decl. ¶ 14. Plaintiffs positioned themselves near, but not interfering with ingress or egress, the  
 14 pedestrian entrance, as they have done in previous years without incident. Cuiello Decl. ¶ 16.  
 15 This location is traversed by all patrons who enter the facility at this entrance. Cuiello Decl. ¶  
 16 16; Bolbol Decl. ¶ 14.

17 15. At the pedestrian entrance to the Rodeo Park, Plaintiffs displayed a banner that  
 18 read “Not Fun for the Animals” and held animal rights signs. Cuiello Decl. ¶ 16, Exh. 15.  
 19 Plaintiff Cuiello also held a sign that had a large photo of a man petting a bull that read, “Bulls  
 20 Are Not Mean & Wild; They Are Docile.” Cuiello Decl. ¶ 13, Exh. 14. Plaintiff Bolbol held a  
 21 sign stating, “They Buck from Pain Caused by Bucking Straps,” with a photo of a bucking steer.  
 22 Bolbol Decl. ¶ 27, Exh. 16. Doe Defendant 1, identified by Defendant Rowell Ranch as Gary  
 23 Houts, Rowell Ranch’s Public Safety Coordinator, told Plaintiffs they must move to the Free  
 24 Speech Area. Bolbol Decl. ¶ 15, Exh. 1; Blome Decl. ¶ 2, Exh. 22 at 43, ¶ 14, Exh. 33B at 167  
 25 (p. 3:15-17) .

26 16. As Plaintiffs stood peacefully, Mr. Houts repeatedly told them to move to the Free  
 27 Speech Area and tried to grab Plaintiff Cuiello’s banner. Blome Decl. ¶ 14, Exh. 33B at 173;  
 28

1 Cuiello Decl. ¶ 17, Exh. 7; Bolbol Decl. ¶ 15, Exh. 1 (timestamp 0:12-0:15). Plaintiffs told Mr.  
 2 Houts he is not allowed to touch them. Cuiello Decl. ¶ 17, Exh. 7 (timestamp 0:15-0:17);  
 3 Bolbol Decl. ¶ 15, Exh. 1 (timestamp 0:15). Plaintiff Cuiello made clear to Mr. Houts that if he  
 4 has a problem, he should call the police. Blome Decl. ¶ 14, Exh. 33B at 173 (p. 26:22-27:22);  
 5 Cuiello Decl. ¶ 17, Exh. 7 (timestamp 0:10); Bolbol Decl. ¶ 15, Exh. 1. Mr. Houts insisted,  
 6 “You’re not in the area you need to be,” stood in front of Plaintiffs’ banner, blocking their  
 7 message regarding animal welfare and stated, “I can block you.” Blome Decl. ¶ 14, Exh. 33B at  
 8 173 (p. 28:14); Cuiello Decl. ¶ 17, Exh. 7; Bolbol Decl. ¶ 15, Exh. 1 (timestamp 1:03 – 1:27).  
 9 Mr. Houts also told Plaintiffs they didn’t understand what they were saying [about animals used  
 10 in the rodeo], they were spreading lies and the photos on their signs were altered. Blome Decl. ¶  
 11 14, Exh. 33B at 173-174; Cuiello Decl. ¶ 17, Exh. 7 (timestamp 1:15) ; Bolbol Decl. ¶ 15, Exh.  
 12 1 (timestamp 1:55 – 2:15).

13 17. At approximately 5:47 p.m., Mr. Houts called Defendant Alameda County  
 14 Sheriff’s Office (“ACSO”) and stated that Plaintiffs were blocking the parking lot and entrance,  
 15 despite the fact that Plaintiffs were not blocking ingress or egress, as is evident in the video  
 16 footage. Blome Decl. ¶ 13, Exh. 32 at p. 3 (Verizon phone records), ¶ 14, Exh. 33A (Event  
 17 Register) and 33B at 174 (p. 31), ¶ 10, Exh. 29 at Response to Interrogatory No. 7; Cuiello  
 18 Decl. ¶ 17, Exh. 7 (timestamp 3:00); Bolbol Decl. ¶ 15, Exh. 1 (timestamp 3:03). During this  
 19 call, Mr. Houts informed the dispatch officer that Plaintiffs were holding signs and blocking  
 20 access and that they “need to be removed.” Blome Decl. ¶ 9, Exh. 28 (audio recording of call), ¶  
 21 14, Exhs. 33A, 33B at 174 (p. 30:15-16). Mr. Houts described Plaintiffs and their colleagues to  
 22 the dispatch operator. Blome Decl. ¶ 9, Exh. 28 (timestamp 1:36-2:56), ¶ 14, Exhs. 33A and  
 23 33B. As Mr. Houts spoke, Plaintiffs told him to stop lying. Cuiello Decl. ¶ 17 (Exh. 7).

24 18. Approximately five minutes later, four Officers from Defendant ACSO arrived in  
 25 Sheriff vehicles and in full uniform. Cuiello Decl. ¶ 18; Newkirk Decl. ¶ 11; Sage Decl. ¶ 10.  
 26 As soon as Defendant Deputy Joshua Mayfield exited the Sheriff vehicle, a rodeo patron or  
 27 representative approached Defendant Mayfield and they warmly greeted and hugged each other.  
 28

1 Bolbol Decl. ¶ 15, Exh. 1(timestamp 7:50).

2 19. Upon approaching Plaintiffs, the officers, including Defendant Mayfield  
3 (“Mayfield”), acknowledged that Plaintiffs’ conduct was protected free speech and told Plaintiffs  
4 that if they choose to remain where they are to “just keep it peaceful.” Blome Decl. ¶¶ 17, Exh.  
5 36 (timestamp 0:50-1:17), and ¶ 14, Exh. 33B at 143 (p. 12:16-18); Bolbol Decl. ¶ 16, Exh. 1  
6 (timestamp 10:22- 10:30); Cuvillo Decl. ¶ 18. To which Plaintiff Bolbol responded, “Always.”  
7 Blome Decl. ¶ 14, Exh. 33B at 143 (p. 12:19-21), ¶ 17, Exh. 36 (timestamp 1:18); Bolbol Decl. ¶  
8 16, Exh. 1 (timestamp 10:27- 10:30). Defendant Deputy Mayfield then called dispatch and  
9 confirmed he talked to the protestors, advised them to keep it peaceful and that there’s a  
10 designated area and that he would remain at the Rodeo Park throughout the rest of the event and  
11 requested a detail for the remainder of the night. Blome Decl. ¶ 9, Exh. 28 (ACSO audio link,  
12 timestamp 10:46- 11:32), ¶ 10, Exh. 29 at 92-93.

13 20. At approximately 6:20 p.m., after, according to HARD, “HARD/Rowell Ranch  
14 had requested that the Sheriff’s Deputies instruct the demonstrators to relocate to the Free  
15 Speech Area,” Defendant Deputy Mayfield, working in concert with Defendant Hart, again  
16 approached Plaintiffs. Blome Decl. ¶ 10, Exh. 29 at 92-93; Cuvillo Decl. ¶ 19; Bolbol Decl. ¶  
17 17. At least three different video exhibits capture the subsequent interactions. *See* Blome Decl. ¶  
18 18, Exh. 37; Cuvillo Decl. ¶ 19, Exh. 8; Bolbol Decl. ¶ 17, Exh. 2. Defendant Hart stated that  
19 Plaintiffs and colleagues were not in the designated area and held a map of the Rodeo Park to  
20 show them the designated Free Speech Area. Blome Decl. ¶ 18, Exh. 37 (timestamp 1:00), ¶ 14,  
21 Exh. 33B at 174 (p. 31-32); Bolbol Decl. ¶ 17, Exh. 2. Defendant Hart told Plaintiffs and  
22 colleagues that failure to move to the free speech area “will not be good.” Blome Decl. ¶ 18,  
23 Exh. 37 (timestamp 1:07-1:10), ¶ 14, Exh. 33B at 174 (p. 31:25-32:3); Cuvillo Decl. ¶ 20, Exh.  
24 8 (timestamp 0:17-0:20).

25 21. Plaintiff Cuvillo asked Defendant Hart what would happen if they did not move  
26 to the Free Speech Area and Defendant Hart replied, “You’ll just have to figure that out when it  
27 happens.” Blome Decl. ¶ 18, Exh. 37 (timestamp 1:10-1:15), ¶ 14, Exh. 33B at 174 (p. 32:8-9);  
28



1 Cuiello Decl. ¶ 20, Exh. 8 (timestamp: 0:21-0:31). Plaintiff Cuiello told Defendant Hart “You  
 2 need to tell us now” and Defendant Hart replied, “I don’t have any responsibility to tell you that  
 3 sir.” Blome Decl. ¶ 18, Exh. 37 (timestamp 1:18-1:21), ¶ 14, Exh. 33B at 174 (p. 32:12-14);  
 4 Cuiello Decl. ¶ 20; Exh. 8 (timestamp 0:27-0:30). Defendant Hart added, “You don’t have too  
 5 much of a choice.” Blome Decl. ¶ 18, Exh. 37 (timestamp:2:20), ¶ 14, Exh. 33B at 175 (p. 34:16-  
 6 17). Cuiello Decl. ¶ 20, Exh. 8.

7 22. Plaintiff Cuiello asked Defendant Deputy Mayfield, “Are you going to arrest us  
 8 if we don’t go there?” Blome Decl. ¶ 18, Exh. 37 (timestamp 1:21), ¶ 14, Exh. 33B at 174 (p.  
 9 32:15-16); Cuiello Decl. ¶ 21; Bolbol Decl. ¶ 17; Newkirk Decl. ¶; Sage Decl. ¶ 11. Defendant  
 10 Deputy Mayfield replied, “You could be arrested.” Blome Decl. ¶ 18, Exh. 37 (timestamp 1:21-  
 11 1:24), ¶ 14, Exh. 33B (p. 32:17, 25); Cuiello Decl. ¶ 21, Exh. 8 (timestamp 0:31- 0:35). Plaintiff  
 12 Cuiello said he did not want to be arrested and, “If you’re going to arrest me, I need to know  
 13 ahead of time” as he would have left. Blome Decl. ¶ 18, Exh. 37 (timestamp 1:21), ¶ 14, Exh.  
 14 33B (p. 33:3-4); Cuiello Decl. ¶¶ 21 and 22, Exh. 8; Sage Decl. ¶¶ 11-12. Defendant Deputy  
 15 Mayfield maintained Plaintiff “could be arrested,” it was a “possibility,” and said, “I’m not  
 16 required to tell you whether I will arrest you or not.” Blome Decl. ¶ 18, Exh. 37 (timestamp 1:55-  
 17 2:12), ¶ 14, Exh. 33B at 175 (p. 34:9-10); Cuiello Decl. ¶ 22, Exh. 8 (timestamp 1:31). Plaintiff  
 18 Cuiello told Defendant Deputy Mayfield he needed to call his watch commander. Blome Decl.  
 19 ¶ 18, Exh. 37 (timestamp 1:32), ¶ 14, Exh. 33B at 175 (p. 33:6); Cuiello Decl. ¶ 22, Exh. 8  
 20 (timestamp 0:44); Sage Decl. ¶ 12.

21 23. At this point, Defendant Deputy Mayfield stepped aside to make a phone call on  
 22 his cellphone; Plaintiffs believed he was calling his watch commander. Cuiello Decl. ¶ 23, Exh.  
 23 8 (timestamp 2:05 – 2:45); Bolbol Decl. ¶ 17, Exh. 2 (timestamp 0:30- 0:36); . According to  
 24 Defendants, Defendant Deputy Mayfield called Sergeant Gomez, the Sergeant on Duty for  
 25 Defendant ACSO at the Rodeo. Blome Decl. ¶ 10, Exh. 29 at Response to Interrogatory No. 7 at  
 26 92-93. Defendant ACSO states that Defendant Deputy Mayfield’s phone call informed Sergeant  
 27 Gomez that the demonstrators had been peaceful, and that Defendants HARD and Rowell Ranch  
 28



1 requested Defendant ACSO deputies instruct the demonstrators to relocate. *See id.*

2       24. Defendant Hart then turned and individually asked Plaintiffs Cuiello and Bolbol,  
3 “Are you refusing to leave?” Blome Decl. ¶ 18, Exh. 37 (timestamp 2:54-3:20), ¶ 14, Exh. 33B  
4 at 175-176 (p. 36-37); Bolbol Decl. ¶ 18, Exh. 2 (timestamp 0:27-0:35); Cuiello Decl. ¶ 23,  
5 Exh. 8 (timestamp 2:05 – 2:44); Sage Decl. ¶ 13. Plaintiffs Cuiello and Bolbol replied that they  
6 would not leave. Blome Decl. ¶ 18, Exh. 37 (timestamp 2:46, 3:30), ¶ 14, Exh. 33B at 175-176  
7 (p. 36-37); Defendant Hart then proceeded to ask each demonstrator one-by-one, “Are you  
8 refusing to leave” and they all answered yes. Blome Decl. ¶ 18, Exh. 37 (timestamp 2:54-3:30), ¶  
9 14, Exh. 33B at 175-176 (p. 36-37); Bolbol Decl. ¶ 18, Exh. 2 (timestamp 0:28 - 0:35); Cuiello  
10 Decl. ¶ 23, Exh. 8 (timestamp 2:05 – 2:44). Defendant Hart again stated, “You’re not in the  
11 designated area.” Blome Decl. ¶ 14, Exh. 33B at 176 (p. 37: 23-24); Bolbol Decl. ¶ 18, Exh. 2  
12 (timestamp 0:44-0:47).

13       25. Both Plaintiffs felt intimidated and fearful they would be arrested but wanted to  
14 wait and see what the response would be from Defendant Mayfield’s watch commander.  
15 Cuiello Decl. ¶¶ 22-23; Bolbol Decl. ¶¶ 18. Ms. Newkirk felt the threat of arrest was real, and  
16 that she had the impression Defendant HARD’s Hart was law enforcement “based on the way he  
17 was acting,” but did not leave, as she knew from previous experience, she was not disobeying the  
18 law. Newkirk Decl. ¶ 12. Mr. Sage felt that Defendant Deputy Mayfield and Hart spoke with one  
19 voice, repeating the same messages that they needed to move to the “free speech zone.” Sage  
20 Decl. ¶ 10. Mr. Sage did not leave as he was accustomed to this type of police harassment and  
21 knew he was peaceful and did not block exit or entrance. Sage Decl. ¶ 14.

22       26. During this interaction with Defendants Hart and Deputy Mayfield, both Plaintiffs  
23 felt intimidated by Defendants’ threat of arrest which they believed was intended to coerce them  
24 into giving up their free speech right to demonstrate outside the “free speech area.” Bolbol Decl.  
25 ¶ 21; Cuiello Decl. ¶ 26. Plaintiffs’ fear of being arrested was based on verbal threats,  
26 including, but not limited to, Defendant Hart stating, “You don’t have too much of a choice,” to  
27 move to the designated “Free Speech Area” and “failure to do so will not be good,” and  
28

1 Defendant Deputy Mayfield telling them they “could be arrested” and that it was a “possibility”  
 2 if they didn’t move to the free speech area. Cuiello Decl. ¶¶ 20, 26; Bolbol Decl. ¶ 21; Sage  
 3 Decl. ¶ 14 (describing tactic of intimidation to “make us afraid and pressure us to move”).

4 27. Plaintiffs’ fear of being arrested was also based on their two contradictory  
 5 interactions with Defendant Deputy Mayfield; the first when Defendant Deputy Mayfield  
 6 acknowledged they had a right to protest near the entrance and the second interaction when  
 7 Defendant Deputy Mayfield changed his message to tell Plaintiffs they could be arrested if they  
 8 don’t move to the “free speech area.” Bolbol Decl. ¶ 22, Cuiello Decl. ¶ 27; Newkirk Decl. ¶ 12  
 9 (the threat of arrest was real).

10 28. After Defendant Deputy Mayfield ended his phone call of approximately five  
 11 minutes, he returned to confer with Defendant Hart, the other ACSO officers, and an unidentified  
 12 woman who appeared to be affiliated with Defendant Rowell Ranch Rodeo. Bolbol Decl. ¶ 18,  
 13 Exh. 3; Cuiello Decl. ¶ 24.

14 29. During this time, Mr. Houts approached Plaintiffs’ colleague, Mr. Sage, who was  
 15 holding a sign stating, “Are you man enough to be kind to animals?” and began to push him,  
 16 trying to move him as he held his sign. Bolbol Decl. ¶ 19, Exh. 3 (timestamp 0:03- 0:11); Sage  
 17 Decl. ¶ 9. Plaintiff Bolbol told Mr. Houts that he could not touch Mr. Sage. Blome Decl. ¶ 14,  
 18 Exh. 33B at 171 (p. 20:6). Bolbol Decl. ¶ 19, Exh. 3; Sage Decl. ¶ 9. Mr. Sage informed Plaintiff  
 19 Bolbol, “He came right up to me and was pushing me.” Bolbol Decl. ¶ 19, Exh. 3 (timestamp  
 20 0:03-0:08); Sage Decl. ¶ 9. Plaintiff Bolbol informed Mr. Houts that this was unacceptable.  
 21 Bolbol Decl. ¶ 19, Exh. 3 (timestamp 0:03-0:08); Sage Decl. ¶ 9.

22 30. Shortly after conversing with the group, Defendant Deputy Mayfield re-  
 23 approached Plaintiffs and told them to stay out of the walkway. Blome Decl. ¶ 17, Exh. 36  
 24 (timestamp 11:30), ¶ 14, Exh. 33B at 148 (p. 29); Cuiello Decl. ¶ 24, Exh. 9; Bolbol Decl. ¶ 20.  
 25 Defendants Deputy Mayfield and Rowell Ranch Rodeo representatives harassed the protesters  
 26 about using the walkway to pass out leaflets. Sage Decl. ¶ 15; Blome Decl. ¶ 17, Exh. 36  
 27 (timestamp: 12:45- 13:30), ¶ 14, Exh. 33B at 150 (p. 38); Cuiello Decl. ¶ 25. Defendant  
 28

1 Deputy Mayfield spoke to Mike Sage and told him he was blocking people. Blome Decl. ¶ 14,  
 2 Exh. 33B at 150 (p. 38). Defendant Deputy Mayfield added, “I’m telling you if you continue to  
 3 do it, it may escalate.” *Id.* Mr. Sage felt that Defendant Deputy Mayfield harassed him by telling  
 4 him many times not to stand in the walkway, and that this harassment interfered with his  
 5 exercising his free speech rights. Sage Decl. ¶ 15.

6 31. Regardless, Plaintiffs, and their colleagues, proceeded to demonstrate near the  
 7 front entrance, standing in the walkway and leafleting patrons as they passed, without  
 8 interference or incident. Cuvillo Decl. ¶ 25. In fact, access vehicles, including a large truck,  
 9 easily moved in and out of the roadways during Plaintiffs’ peaceful protest, as can be seen in  
 10 video footage from the event. Cuvillo Decl. ¶ 25, Exh. 10 (timestamp 1:25; 2:07-2:16).

11 32. Around this time, Defendant Deputy Mayfield again conferred with Defendant  
 12 Hart, the other ACSO officers, Mr. Houts, and an unidentified woman who appeared to be  
 13 affiliated with Defendant Rowell Ranch Rodeo. Blome Decl. ¶ 19, Exh. 38. Defendant Deputy  
 14 Mayfield stated, “This is still an event, open to the public.” Blome Decl. ¶ 14, 33B at 149 (p.  
 15 36:7-9). He added, “That’s where we get stuck.” *Id.* (p. 36:10-11). Mr. Houts looked visibly  
 16 disappointed when Defendant Mayfield told him that Plaintiffs did not have to demonstrate in the  
 17 Free Speech Area, and Houts responded, “I’m not blaming you all.” *Id.* (p. 36: 12-13); Blome  
 18 Decl. ¶ 19, Exh. 38 (timestamp: 0:43-44). Deputy Mayfield also responded, “No, I get it. I know  
 19 you’re not. So, I’m with you guys, but there’s a certain line we have to kind of tow.” Blome  
 20 Decl. ¶ 14, Exh. 33B at 149 (p. 36:14-16); ¶ 19, Exh. 38 (timestamp: 0:49-51).

21 33. During this conversation, an unidentified woman in the group who appears  
 22 affiliated with the Rodeo states to the group in reference to Plaintiffs, “We know they’re out here  
 23 pushing their boundaries. That’s their M.O.” Blome Decl. ¶ 14, Exh. 33B at 149 (p. 36:19-20).  
 24 Defendant Deputy Mayfield responds, “That’s what they want to do,” and Defendant Hart states,  
 25 “they want us to push them back.” *Id.* at 149 (p. 36:21-25). Defendant Deputy Mayfield repeats,  
 26 “And they want us to push back.” *Id.* at 150 (p. 37:1-2).

27 34. Once the front parking lot was full, the number of patrons entering through the  
 28

front entrance decreased, so Plaintiffs and their colleagues moved to the back entrance. Cuiello Decl. ¶ 28; Bolbol Decl. ¶ 23. At the back entrance, Defendant Deputy Mayfield harassed Plaintiff Bolbol by accusing her of blocking “ingress” and the “walkway” while he blocked her sign with his body. Bolbol Decl. ¶ 23, Cuiello Decl. ¶ 29; Blome Decl. ¶ 14, Exh. 33B at 353 (p. 43-44). At all times Plaintiff Bolbol did not block the entrance or ingress or egress. Bolbol Decl. ¶ 23, Exh. 4 (timestamp: 0:29 – 0:32); Cuiello Decl. ¶ 28, Exh. 11 (timestamp 0:10-1:00). Defendant Deputy Mayfield’s conduct caused Plaintiff Bolbol emotional and mental stress. Bolbol Decl. ¶ 23. Plaintiff Bolbol specifically asked Defendant Deputy Mayfield to stop harassing her. Blome Decl. ¶ 14, Exh. 33B at 151-153 (p. 44:23, 25; p. 49).

### Events at the Rodeo Park on May 21, 2022

35. On May 21, 2022, Plaintiffs returned to the Rodeo Park to resume demonstrations. Cuiello Decl. ¶ 31; Bolbol Decl. ¶ 24. Plaintiff Bolbol held a sign that read “They Buck From Pain Caused By the Bucking Strap” with a photo of a bull bucking from the bucking strap. Bolbol Decl. ¶ 24. As they made their way to the back entrance, Doe Defendant 2, identified by Defendant Rowell Ranch as volunteer George Ferris, attempted to prevent Plaintiff Cuiello from entering the lot, and Plaintiff Bolbol told him not to touch Plaintiff Cuiello. Blome Decl. ¶ 2, Exh. 22 at Response to Interrogatory Nos. 3, 4 (identifying Mr. Ferris); Cuiello Decl. ¶ 32; Bolbol Decl. ¶ 24, Exh. 5 (timestamp 0:26). At that point Mr. Ferris then turned his attention to Plaintiff Bolbol and yelled that she needed a ticket and shouted “Out,” as he repeatedly blocked her from entering the property by stepping in front of her and pushing his body into her as she tried to walk around him, despite her repeated requests for him to stop touching her. Cuiello Decl. ¶ 32, Ex. 12; Bolbol Decl. ¶ 24, Ex. 5 (timestamp 0:30 – 58). Plaintiff Bolbol felt scared due to Mr. Ferris’s physical aggression. Bolbol Decl. ¶ 24.

36. Later that day, Plaintiff Cuiello stood near the back entrance at the Rodeo Park near a tree, holding a yellow cloth banner which read “Not Fun for the Animals.” Cuiello Decl. ¶ 33, Exh. 13. Because there was a breeze the cloth banner would occasionally touch the back of an electric utility vehicle parked near the tree. Cuiello Decl. ¶ 34. Mr. Houts approached

1 Plaintiff CuvIELlo and told him not to touch his electric utility vehicle with Plaintiff's banner, and  
 2 without objection, Plaintiff moved away from the vehicle. *Id.* at ¶ 34, Exh. 13 (timestamp 0:00 –  
 3 0:10).

4 37. Shortly thereafter, despite that the vehicle was facing away from Plaintiff, there  
 5 was ample room for Mr. Houts to easily drive the vehicle forward, and Plaintiff was in no way  
 6 blocking Mr. Houts from moving his vehicle, Mr. Houts told Plaintiff CuvIELlo to move as he got  
 7 into the electric vehicle. CuvIELlo Decl. ¶ 35, Exh. 13 (timestamp 0:43). An unidentified woman,  
 8 who appeared affiliated with the Rodeo, told Plaintiff CuvIELlo he had to move, and while  
 9 Plaintiff was explaining to the woman that Mr. Houts could drive forward instead of in reverse  
 10 towards Plaintiff, Mr. Houts, sitting in the driver's seat, looked over his shoulder behind the  
 11 vehicle where Plaintiff was standing and intentionally accelerated his vehicle backwards and  
 12 rammed it directly into Plaintiff CuvIELlo. CuvIELlo Decl. ¶ 36, Exh. 13 (timestamp 0:49 - 1:02).  
 13 After being struck by the vehicle, Plaintiff CuvIELlo informed Mr. Houts that he assaulted him  
 14 and in response, Mr. Houts smiled and said, "I asked you to move." *Id.* at 36 (timestamp 1:10-  
 15 1:14).

16 38. Throughout the weekend, fellow protestors, including Mr. Sage and Ms. Newkirk,  
 17 felt rodeo staff expressed hostility toward them, including by repeatedly driving golf carts close  
 18 to them. Newkirk Decl. ¶ 10; Sage Decl. ¶ 9 (rodeo staff...did not like our messages regarding  
 19 the abuse of the animals used by the rodeo).

20 39. From May 20 to May 22, 2022, at the end of our demonstrations at the Rodeo  
 21 Park, Plaintiffs posed for photographs together with fellow protestors. CuvIELlo Decl. ¶ 40, Exh.  
 22 17. Despite Defendants' harassment and violation of their rights throughout the events at the  
 23 Rodeo Park, Plaintiffs remain committed to exercising their right to speech and association to  
 24 advance animal rights advocacy. CuvIELlo Decl. ¶¶ 3-4, 7; Bolbol Decl. ¶¶ 6-7. One of Plaintiff  
 25 CuvIELlo's reasons for filing this lawsuit was fear that violence may be used against him or his  
 26 colleagues in the future. CuvIELlo Decl. ¶ 37.

27 Respectfully submitted,

28  
 Plaintiffs' Statement of Undisputed, Material Facts ISO Plaintiffs'  
 Joint Motion for Partial Summary Judgment (3:23-cv-01652-VC)

DATED: June 3, 2024,

/s/ Jessica L. Blome

Jessica Blome

Lily R. Rivo

GREENFIRE LAW, PC

*Attorneys for Plaintiff Deniz Bolbol*

DATED: June 3, 2024,

/s/ Joseph P. CuvIELLO

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